D.B. CIVIL SPECIAL APPEAL(W)NO.1062/2006

Mohanlal Palsaniya and Anr.
Vs.
Board of Revenue, Ajmer and others.

DATE OF ORDER :: 14-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri M.M. Ranjan, for the appellant.

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant. The appellant had filed the writ petition challenging the orders of the courts below setting aside the ex parte decree in a partition suit.

We are of the view that in setting aside the ex parte decree the court below properly exercised discretion in favour of the defendant-respondent and the learned Single Judge therefore did not commit any error in dismissing the writ petition.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen